

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 4/16/18

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	x	
	:	
UNITED STATES OF AMERICA	:	
- v. -	:	CONSENT PRELIMINARY ORDER
	:	OF FORFEITURE AS TO
HERZEL MEIRI,	:	SPECIFIC PROPERTY/
	:	<u>MONEY JUDGMENT</u>
Defendant.	:	
	:	S4 15 Cr. 627 (ER)
- - - - -	x	

WHEREAS, on or about November 1, 2016, HERZEL MEIRI (the "defendant"), among others, was charged in a five-count Superseding Indictment, S4 15 Cr. 627 (ER) (the "Indictment"), with conspiracy to commit wire fraud and bank fraud, in violation of Title 18, United States Code, Section 1349 (Count One); money laundering conspiracy, in violation of Title 18, United States Code, Section 1956(h) (Count Two); money laundering, in violation of Title 18, United States Code, Sections 1957(a) and 2 (Count Three); money laundering, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2 (Count Four); and conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349 (Count Five);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of any and all property constituting or derived from any proceeds the defendant obtained

directly or indirectly as a result of the offense charged in Count One of the Indictment;

WHEREAS, on or about May 9, 2016, the Government filed a Bill of Particulars identifying, among other things, certain properties subject to forfeiture as property that constituted or was derived from proceeds traceable to the commission of the offenses charged in the Indictment.

WHEREAS, on or about April 10, 2018, the defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C): (i) a sum of money equal to \$6,469,291.41 in United States currency, representing the amount of proceeds traceable to the commission of said offense (the "Money Judgment"); and (ii) all right, title and interest of the defendant in the following properties (the "Specific Property"):

1. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 23 Martin Court, Great Neck, NY 11024;
2. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures,

attachments and easements, located at 1588 Eastern Parkway, Brooklyn, NY 11233;

3. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 1586 Eastern Parkway, Brooklyn, NY 11233;
4. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 127 Herkimer Street, Brooklyn, NY 11216;
5. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 101 Rogers Ave, Brooklyn, NY 11216;
6. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 163 Madison Street, Brooklyn, NY 11216;
7. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 531 Halsey Street, Brooklyn, NY 11233;

8. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 454 Willoughby Ave, Brooklyn, NY 11206;
9. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 966 East 49th Street, Brooklyn, NY 11203;
10. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 11 Cooper Street, Brooklyn NY 11207;
11. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 157 Lenox Road, Brooklyn, NY 11226;
12. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 541 Lafayette Ave, Brooklyn, NY 11205;
13. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures,

attachments and easements, located at 1017 President Street, Brooklyn, NY 11225;

14. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 964 East 107th Street, Brooklyn, NY 11236;

15. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 5316 Ave L, Brooklyn, NY 11234;

16. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 644 Chauncey Street, Brooklyn, NY 11207;

17. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 2146-2148 Fulton Street, Brooklyn NY 11233;

18. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 892 Linden Blvd, Brooklyn, NY 11203;

19. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 963 East 95th Street, Brooklyn, NY 11236;
20. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 78 Clermont Ave, Brooklyn, NY 12205;
21. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 575 Eastern Parkway Brooklyn, NY 11216;
22. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 329 Herkimer Street, Brooklyn, NY 11216;
23. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 184 Bristol Street, Brooklyn, NY 11212;
24. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures,

attachments and easements, located at 1602 East 49th Street, Brooklyn, NY 11234;

25. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 326 Decatur Street, Brooklyn, NY 11233;

26. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 329 Beach 45th Street, Far Rockaway, NY 11691;

27. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 114-30 205th Street, St. Albans, NY 11412;

28. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 189-05 Dormans Road, St. Albans, NY 11412;

29. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 58-35 78th Ave, Ridgewood, NY 11385;

30. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 3637 Holland Ave, Bronx, NY 10567;
31. Any and all funds on deposit in TD Bank Account Number 430-9639437, held in the name of Launch Development Corporation;
32. Any and all funds on deposit in TD Bank Account Number 426-031570, held in the name of Launch Development LLC;
33. Any and all funds on deposit in TD Bank Account Number 427-7344126, held in the name of Homeowner Assistance Services of NY Inc.;
34. Any and all funds on deposit in TD Bank Account Number 431-315456, held in the name of HAR Property Management LLC;
35. \$442,345.85 held in escrow by Joseph DeGaetano, Esq.

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$6,469,291.41 in United States currency representing the amount of proceeds traceable to the offense

charged in Count One of the Indictment that the defendant personally obtained;

WHEREAS, the defendant further consents to the forfeiture of all his right, title and interest in the Specific Property, which constitutes proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence, with the exception of the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorneys, Sebastian Swett and Andrew Thomas of counsel, and the defendant, and his counsel, Joseph R. Conway, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$6,469,291.41 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the defendant personally obtained, shall be entered against the defendant.

2. As a result of the offense charged in Count One of the Indictment, to which the defendant pled guilty, all of the defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

3. The liquidated net proceeds of the Specific Properties numbered 1 and 31 through 35 shall be credited against the Money Judgment following entry of a Final Order of Forfeiture. It is further agreed that the Specific Properties numbered 2 through 30 above shall not be credited against the Money Judgment.

4. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment is final as to the defendant, HERZEL MEIRI, and shall be deemed part of the sentence

of the defendant, and shall be included in the judgment of conviction therewith.

5. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

6. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

7. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

8. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish

forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

9. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

10. Pursuant to 32.2 (b) (6) (A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person

who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

11. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. The liquidated net proceeds of the Specific Properties numbered 1 and 31 through 35 shall be credited against the Money Judgment following entry of a Final Order of Forfeiture; the Specific Properties numbered 2 through 30 above shall not be credited against the Money Judgment.

12. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

13. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

14. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific

Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.


15. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Chief of the Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

16. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:


SEBASTIAN SWETT/ANDREW THOMAS
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2106

4/10/2018
DATE

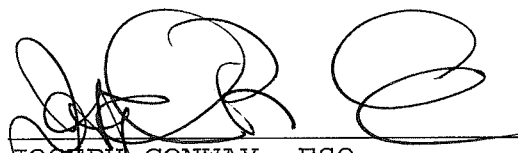
HERZEL MEIRI

By:


HERZEL MEIRI

4/10/18
DATE

By:


JOSEPH CONWAY, ESQ.
Attorney for Defendant
Larusso & Conway, LLP
300 Old Country Road, Suite 341
Mineola, NY 11501

4/10/18
DATE

SO ORDERED:


HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE

4/10/18
DATE